

Appl. No. 10/720,557  
Docket No. 9130M  
Amdt. dated October 22, 2010  
Reply to Office Action mailed on July 22, 2010  
Customer No. 27752

## REMARKS

This paper is accompanied by a request for continued examination, and is being presented pursuant to 37 C.F.R. § 1.114, and in response to the Patent Office's final official action dated June 22, 2010.

Claims 1-16 and 24-29 are pending in the present application. Claims 17-23 have been canceled.

### Summary of the Claim Amendments

Claim 1 has been amended to recite a sanitary napkin includes a facing layer having a first region with a plurality of apertures and a second region with a plurality of out-of-phase deformations, wherein each out-of-phase deformation has a longitudinal length less than a longitudinal length of the sanitary napkin, and no out-of-plane deformation has a longitudinal length equal to the longitudinal length of the sanitary napkin. Support for the amendment to claim 1 can be found in the specification, for example, at p. 4, lines 9-11 and Figure 1.

Claims 8 and 13 have each been amended to recite a sanitary napkin that includes at least one deep-embossed channel defining and circumscribing an interior portion of the sanitary napkin. Support for the amendments to claims 8 and 13 can be found in the specification, for example, at p. 9, lines 1-3, and Figures 1 and 3.

Claim 12 has been amended for consistency with the amendments to claim 8. Claim 15 has been canceled in view of the amendments to claim 13.

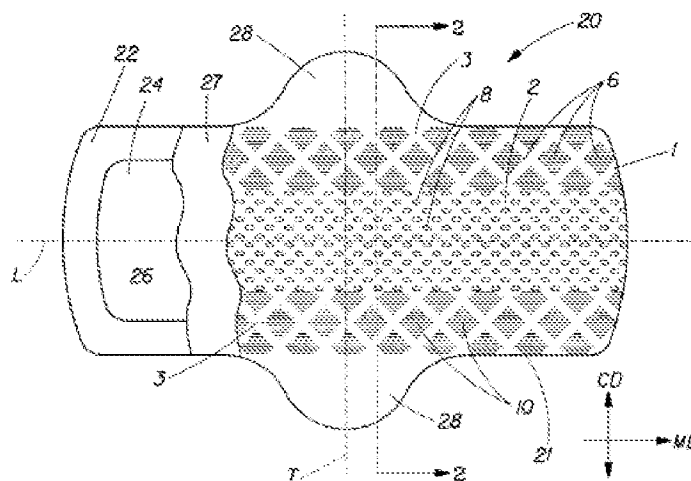
It is respectfully submitted that no new matter is added by the foregoing amendments.

### Rejections Under 35 U.S.C. §103(a)

Claims 1-6, 8-12, and 24-26 have been rejected under 35 U.S.C. § 103(a) as obvious over European Patent Publication No. 1 022 008 ("Mizutani") in view of UK Patent Publication No. GB 2 262 235 ("Chu"). Claims 7 and 29 have been rejected under 35 U.S.C. § 103(a) as obvious over Mizutani in view of U.S. Patent Publication No.

2002/0065498 (“Ohashi”). Claims 13-16 and 28 have been rejected under 35 U.S.C. § 103(a) as obvious over Mizutani.

Independent claim 1 has been amended to recite a sanitary napkin that includes a facing layer having a first region comprising a plurality of apertures and a second region comprising a plurality of out-of-plane deformations, wherein a longitudinal length of each out-of-plane deformation is less than a longitudinal length of the sanitary napkin, and no out-of-plane deformation has a longitudinal length equal to the longitudinal length of the sanitary napkin. As illustrated in Figure 1, reproduced below, the claimed invention includes a plurality of discrete out-of-plane deformations 10, each having a longitudinal length less than the longitudinal length of the sanitary napkin.

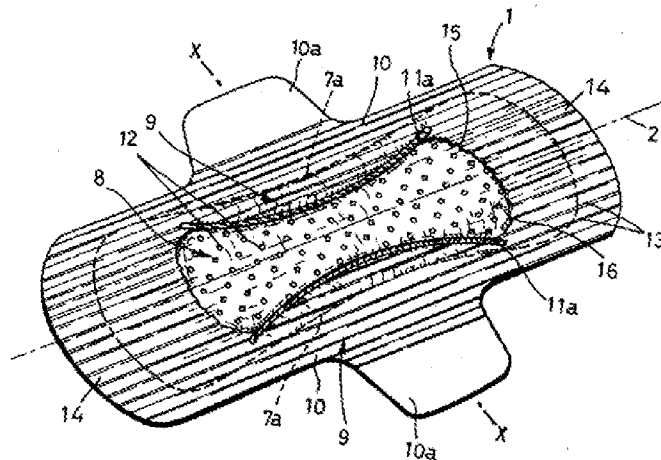


**Reproduction of Figure 1 of the Present Application**

None of the cited references discloses or suggest a sanitary napkin having a plurality of out-of-plane deformations, with a longitudinal length of each out-of-plane deformation being less than a longitudinal length of the sanitary napkin, and no out-of-plane deformation has a longitudinal length equal to the longitudinal length of the sanitary napkin.

Rather, Mizutani discloses a sanitary napkin having first and second regions, with the first region including apertures and the second region including gathers extending the entire length of the sanitary napkin. As illustrated in Figure 1, reproduced below, in the

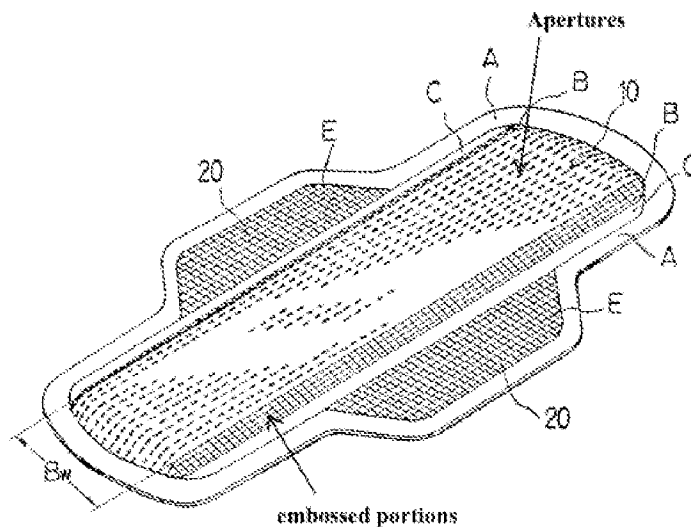
areas of the second zone 9 uninterrupted by the first zone 8, the gathers 13 extend, uninterrupted, from one longitudinal side edge to the other to form continuous channels across the second zone 9. *See also* Mizutani at ¶ 23. Thus, each of the gathers 13 of the Mizutani sanitary napkin does not have a longitudinal length that is less than the longitudinal length of the sanitary napkin. A portion of the gathers 13 extend the entire longitudinal length of the sanitary napkin.



**Reproduction of Figure 1 of the Mizutani**

Furthermore, Mizutani provides no teaching or suggestion to modify the gathers 13 such that each of the gathers 13 has a longitudinal length that is less than the longitudinal length of the sanitary napkin. Additionally, Mizutani does not recognize any benefits associated with such modification. By comparison, the claimed invention recognizes that having out-of-plane deformations with longitudinal lengths less than the longitudinal length of the sanitary napkin advantageously provides for “individual fluid barriers, each effective in retarding any free fluid flow that may have a tendency to run off the facing layer 1 when sanitary napkin 20 is used, without becoming a total block of fluid distribution to outboard portions of the sanitary napkin 20.” The present application at p. 5, lines 6-9. In view of the foregoing, it is submitted that Mizutani does not disclose or suggest a sanitary napkin having a plurality of out-of-plane deformations, with a longitudinal length of each out-of-plane deformation being less than a longitudinal length of the sanitary napkin, and no out-of-plane deformation has a longitudinal length equal to the longitudinal length of the sanitary napkin.

Chu does not cure the defects of Mizutani. Chu is directed to a sanitary napkin having a liquid impermeable topsheet that is rendered liquid permeable in its central region by the inclusion of apertures. The topsheet further includes embossed portions 12 along the side edge areas of the absorbent assembly. As illustrated in Figure 1 of Chu (reproduced below with annotation) these embossed portions have a length equal to the length of the sanitary napkin.



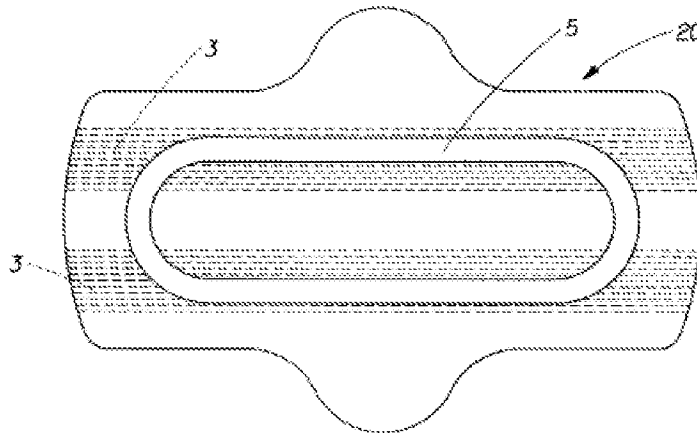
**Annotated Reproduction of Figure 1 of Chu**

Furthermore, in contrast to the claimed invention, Chu does not recognize any benefits associated with providing the embossed portions so as to have longitudinal lengths less than the longitudinal length of the sanitary napkin. Accordingly, Chu provides no teaching or suggestion to modify the embossed portions to have longitudinal lengths less than the longitudinal length of the sanitary napkin. Thus, Chu cannot cure the defects of Mizutani.

Ohashi adds nothing of relevance, as the diaper of Ohashi does not include a facing layer having out-of-plane deformations.

Accordingly, none of the applied references or combinations thereof discloses or suggests each and every limitation of the claimed invention. Claim 1, and any claims dependent therefrom, are therefore allowable over the applied references and any combination thereof.

Claims 8 and 13 have been amended to recite a sanitary napkin that includes at least one deep-embossed channel defining and circumscribing an interior portion of said sanitary napkin. As illustrated in Figure 4, reproduced below, the claimed invention includes a deep-embossed channel 5 that completely encircles (i.e., circumscribes) an interior portion.



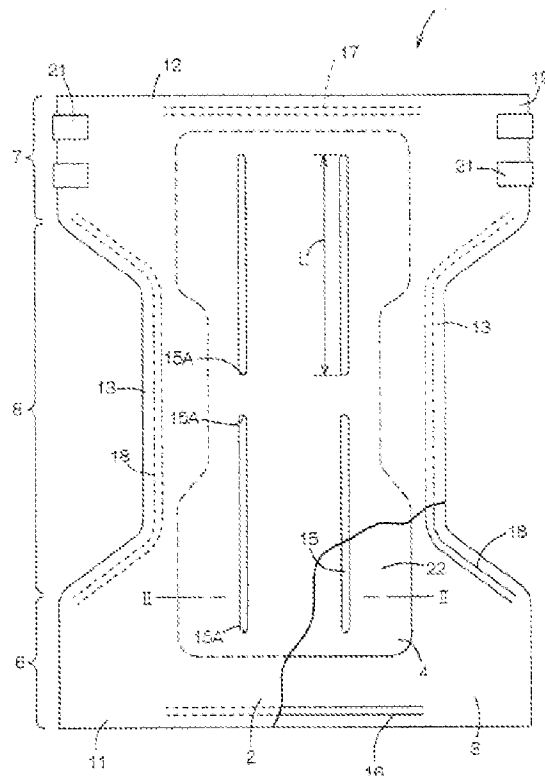
**Reproduction of Figure 4 of the Present Application**

None of the cited references discloses or suggests a sanitary napkin having a deep-embossed channel defining and circumscribing an interior portion of the sanitary napkin.

Rather, as illustrated in Figure 1, reproduced above, Mizutani discloses a sanitary napkin that includes compressed grooves 11a disposed along the longitudinal side edges of the first zone 8. The compressed grooves 11a are not formed along the transverse edges of the first zone 8, and, thus, do not circumscribe the first zone 8. Furthermore, one of ordinary skill in the art would not be motivated to modify the compressed grooves 11a of Mizutani to circumscribe the first zone 8 because Mizutani expressly discloses that the transverse edges of the first zone 8 remain open for fluid communication with the channels of the gathers 13. See Mizutani at ¶ 23. Mizutani discloses that such an arrangement allows menstrual discharge to partially flow from the first zone 8 into openings 16 of the respective channels before being absorbed by the absorbent core 7. Inclusion of a deep-embossed channel in this region would impede this flow of menstrual discharge from the first zone 8 to the channels. Accordingly, Mizutani does not disclose

or suggest a sanitary napkin having a deep-embossed channel defining and circumscribing an interior portion of the sanitary napkin, as claimed.

Ohashi does not cure the defects of Mizutani. Rather, as illustrated in Figure 1, reproduced below, Ohashi discloses a diaper having unconnected linear grooves 15, which do not circumscribe an interior portion of the diaper. *See also* Ohashi at Figure 3.



**Reproduction of Figure 1 of Ohashi**

Accordingly, Ohashi also does not disclose or suggest a sanitary napkin having a deep-embossed channel defining and circumscribing an interior portion of the sanitary napkin, as claimed.

Chu adds nothing of relevance, as Chu does not disclose or suggest a sanitary napkin having a channel of any kind.

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In view of the foregoing, it is submitted that none of the applied references or combinations thereof discloses or suggests each and every limitation of the claimed invention. Claims 8 and 13, and any claims dependent therefrom, are therefore allowable over the applied references and any combination thereof.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference. In view of the foregoing, entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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